

THURSDAY, JANUARY 13, 2000
FORTY-FIRST LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Pinion.

Representative Pinion led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Odom; business reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 118: Rep(s). Davis (Washington) as prime sponsor(s).

MESSAGE FROM THE SENATE

January 13, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 369, 375 and 378; all concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ENROLLED BILLS

January 13, 2000

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 369, 375, 378; also, House Resolution(s) No(s). 113, 114, 115 and 116.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

January 13, 2000

The Speaker signed the following: House Joint Resolution(s) No(s). 369, 375, 378; also, House Resolution(s) No(s). 113, 114, 115 and 116.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

January 13, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 369, 375 and 378; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

January 13, 2000

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 369, 375 and 378.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

January 13, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 369, 371, 375 and 378, with his approval.

MICHELLE LONG, Counsel to the Governor.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 2015** -- Pensions and Retirement Benefits - Revises service retirement allowance for certain class and group members of TCRS. Amends TCA Section 8-36-208(a), by *Rhinehart.

House Bill No. 2016 -- Carroll County - Subject to local approval, establishes civil service commission for the sheriff's department. by *Maddox, *Phelan.

House Bill No. 2017 -- Carroll County - Subject to local approval, increases tax imposed upon certain minerals severed from ground from 10 to 15 cents per ton. Amends Chapter 184 of the Private Acts of 1980; as amended. by *Maddox, *Phelan.

***House Bill No. 2018** -- Auctions and Auctioneers - Allows auctioneers who retired license prior to 7/1/96, with 20 or more years experience, to apply for reinstatement of license without examination. Amends TCA Title 62, Chapter 19, Part 1. by *Ferguson.

House Bill No. 2019 -- Warren County - Subject to local approval, enacts "Warren County Mobile Home Regulations Act of 2000.". by *Rhinehart, *Curtiss.

House Bill No. 2020 -- Highway Signs - "Charlie and Eva Holly Memorial Bridge," S.R. 91 in Carter County. by *Cole (Carter).

House Bill No. 2021 -- Trousdale County - Subject to local approval, enacts "Trousdale County Adequate Facilities Tax.". by *Bone.

House Bill No. 2022 -- Jamestown - Subject to local approval, increases salary of the mayor from \$2,400 to \$19,200 per annum. Amends Chapter 54 of the Private Acts of 1959; as amended. by *Windle.

House Bill No. 2023 -- Sullivan County - Subject to local approval, requires appointment of one clerk and master of chancery court to be appointed by chancellor for second judicial district to perform duties for all chancery divisions or districts as well as probate matters. Amends Chapter 127 of the Acts of 1879. by *Westmoreland, *Godsey, *Davis (Washington), *Mumpower.

***House Bill No. 2024** -- Highways, Roads and Bridges - Includes "The Trace" in Land Between the Lakes in Stewart County within scenic highway system. Amends TCA Title 54, Chapter 17, Part 1. by *Ridgeway.

***House Bill No. 2025** -- Traffic Safety - Allows local boards of education to set longer period for school speed zones around schools. Amends TCA Section 55-8-152. by *Bunch, *Newton.

***House Bill No. 2026** -- Civil Procedure - Makes permissive, rather than mandatory, tape recording of forfeiture proceeding. Amends TCA Title 40, Chapter 33, Part 2. by *Bunch, *Newton.

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***House Bill No. 2027** -- Real Property - Requires seller to specify whether property to be transferred is site-built home, modular home or trailer for purposes of residential property disclosure law; exempts from residential property disclosure law transfers from debtor in Chapter 7 or 13 bankruptcy to creditor or third-party by deed in lieu of foreclosure or quitclaim deed. Amends TCA Title 66, Chapter 5, Part 2. by *Bunch.

***House Bill No. 2028** -- Schools, Home - Allows parent who is licensed teacher to commence home school at any time. Amends TCA Section 49-6-3050. by *Bunch, *Newton.

***House Bill No. 2029** -- Education, Higher - Provides for development of articulation agreements among Tennessee institutions of higher education; provides for penalties for failure to implement; authorizes THEC oversight. Amends TCA Title 49, Chapter 7, Part 1 and Title 49, Chapter 7, Part 2. by *Bunch, *Newton.

***House Bill No. 2030** -- Insurance Companies, Agents, Brokers, Policies - Makes it Class A misdemeanor to issue or advise how to issue declination letter for fee. Amends TCA Title 56 and Title 71. by *Bunch, *Newton.

***House Bill No. 2031** -- Courts, Supreme Court of Tennessee - Provides for popular election of office of judges of supreme court; requires that political parties nominate candidates for office of supreme court judge by primary election. Amends TCA Title 2; Title 16 and Title 17. by *Bunch, *Hagood, *Newton.

***House Bill No. 2032** -- Debtor Creditor Relations - Redefines "fixture" to include grave markers and tombstones affixed to ground at burial site or cemetery Amends TCA Title 47, Chapter 9, Part 3. by *Bunch, *Newton.

***House Bill No. 2033** -- Fireworks - Allows seasonal retailers of fireworks additional ten days in which to liquidate inventory. Amends TCA Title 68, Chapter 104, Part 1. by *Bunch, *Newton.

House Bill No. 2034 -- Bruceton - Subject to local approval, deletes requirement proposed ordinance be read aloud before adoption; increases amount of purchases not subject to bidding requirements to \$2,500. Amends Chapter 325 of the Private Acts of 1980. by *Maddox.

House Bill No. 2035 -- Statutes - Changes all TCA references and state government references from "Korean Conflict" to "Korean War." Amends TCA Title 1, Chapter 3. by *Givens, *Cole (Carter).

House Bill No. 2036 -- Overton County - Subject to local approval, transfers probate court jurisdiction from general sessions court to chancery court; transfers juvenile court clerk duties from the office of the circuit court clerk to the office of clerk and master. Amends Chapter 20 of the Private Acts of 1967; as amended. by *Windle.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2010 -- Coffee County -- Local Bill Held on House Desk

***House Bill No. 2011** -- Custody and Support -- House Children and Family Affairs Committee

***House Bill No. 2012** -- Transportation, Dept. of -- House State and Local Government Committee

House Bill No. 2013 -- Autopsies -- House State and Local Government Committee

***House Bill No. 2014** -- Housing -- House Health and Human Resources Committee

CONSENT CALENDAR

House Resolution No. 117 -- Memorials, Sports - Chad Harville, Hardin County major leaguer. by *Rinks.

House Resolution No. 118 -- Memorials, Personal Occasion - Pauline Story Laws, 85th birthday. by *Patton.

House Resolution No. 119 -- Memorials, Personal Occasion - Ganelle Roberts, 60th birthday. by *Hagood.

House Joint Resolution No. 379 -- Memorials, Sports - 1999 University School of Jackson baseball team, 1999 TSSAA Class A state champions. by *Walley, *Kisber, *McDaniel.

Rep. Walley moved that all members voting aye on House Joint Resolution No. 379 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	98
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Fraley, **House Bill No. 238** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. Fraley, **House Bill No. 235** was recalled from the Commerce Committee and withdrawn from the House.

On motion of Rep. Fraley, **House Bill No. 678** was recalled from the State and Local Government Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2004: Rep(s). Armstrong, Hargrove, L. DeBerry, Phelan, J. DeBerry, Bowers, Towns, Turner (Shelby), Bittle, Givens and Lewis as prime sponsor(s).

House Bill No. 2009: Rep(s). Tidwell as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Armstrong was/were removed as sponsor(s) of **House Bill No. 1800**.

ENGROSSED BILLS

January 13, 2000

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 379.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

January 13, 2000

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 117, 118 and 119; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

January 13, 2000

The Speaker signed the following: House Resolution(s) No(s). 117, 118 and 119.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR

January 13, 2000

The following local bills have been placed on the Consent Calendar for **January 19, 2000**: House Bill No. 2010.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

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RECESS MOTION

On motion of Rep. Hargrove pursuant to House Joint Resolution No. 371, the House stood in recess until 2:00 p.m., Wednesday, January 19, 2000.